

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BILLY A. NICELY,

Defendant.

No.: 3:19-CR-154-TAV-HBG-1

ORDER

This criminal case is before the Court on the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton on October 17, 2019 (the “R&R”) [Doc. 9]. In the R&R, Judge Guyton finds: the defendant is fully capable and competent to enter an informed plea; the plea is made knowingly and with full understanding of each of the rights waived by defendant; the plea is made voluntarily and free from any force, threats, or promises, apart from the promises in the plea agreement; the defendant understands the nature of the charge and penalties provided by law; and the plea has a sufficient basis in fact. Judge Guyton therefore recommends that defendant’s guilty plea to the single count in the information be granted and accepted and that this Court adjudicate defendant guilty of the charge set forth in the information. Judge Guyton further recommends that defendant remain in custody until sentencing in this matter. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51.

After a careful review of the R&R, the Court is in agreement with Judge Guyton's analysis and recommendation, which the Court adopts and incorporates into its ruling. Therefore, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 9], and the Court **ACCEPTS** defendant's guilty plea to the single count in the information, **ADJUDGES** defendant guilty of the charge set forth in the information, and **ORDERS** that defendant remain in custody until sentencing in this matter.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE